

lie grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Terrell of Bowie, Holsey, Real, Sturgeon, Peeler, Alexander, Willacy, Cofer, Hume, Kauffman.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, August 11, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Perkins, the same was dispensed with.

(See Appendix for petitions and memorials and committee reports.)

SIMPLE RESOLUTION.

Senator Peeler here offered a resolution anent the death of Walter F. Colquitt, son of Hon. O. B. Colquitt. The resolution was unanimously adopted by a rising vote. (See memorial page of today's Journal for resolution.)

POINT OF ORDER WITHDRAWN.

Here Senator Brachfield asked to withdraw the point of order, made by him on Saturday, August 6, relative to a committee report having to lay over for one day.

Permission was given to withdraw the point of order.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Watson:

House Concurrent Resolution No. 4, designating Monday, August 15, 1910, at noon, for the Third Called Session of the Thirty-first Legislature to adjourn sine die.

The resolution was read first time, and referred to Committee on State Affairs.

By Senator Terrell of Bowie:

Senate bill No. 20, A bill to be entitled "An Act making an appropriation for a deficiency in support of the State government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and declaring an emergency."

Read first time, and referred to Finance Committee.

Morning call concluded.

SENATE BILL NO. 3.

The Chair laid before the Senate, on second reading and special order for this hour,

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies prescribing conditions for transacting business, and declaring an emergency."

There being a favorable majority committee report and an adverse minority committee report, recommending a favorable substitute bill.

Senator Hudspeth moved to adopt the majority committee report.

Senator Alexander moved, as a substitute, the adoption of the minority committee report.

Pending discussion on the bill, Senator Murray moved that further consideration of the bill be postponed for today and made a special order for tomorrow morning at the conclusion of the morning call.

The motion prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed House Concurrent Resolution No.
5, Requesting the return by the Gover-
nor of House bill No. 5 for correction.

Respectfully,

O. P. BASFORD,

Acting Chief Clerk, House of Represent-
atives.

RESOLUTION REFERRED.

The Chair (Lieutenant Governor Da-
vidson) had referred, after its caption
had been read the following resolution:

House Concurrent Resolution No. 5,
referred to Judiciary Committee No. 2.

SENATE BILL NO. 11.

The Chair laid before the Senate, on
second reading and regular order,

Senate bill No. 11, A bill to be entitled
"An Act to amend Chapter 16 of the
Acts of the Regular Session of the Thirty-
first Legislature of the State of Texas,
approved February 20, 1909, entitled
'An Act authorizing any county in the
State of Texas, having a population in
excess of fifty thousand inhabitants, by
the last preceding United States census,
to submit to the qualified voters the
propriety of a bond issue for the con-
struction and maintenance of causeways,
viaducts, bridges and approaches across
any rivers within the limits of such
county, and to provide for the construc-
tion, maintenance and use of such cause-
ways, viaducts, bridges and approaches,
and declaring an emergency,' by adding
thereto Sections 9a and 9b, providing
a method by which counties may ac-
quire land upon which to construct and
maintain said causeways, viaducts,
bridges and approaches, by condemna-
tion and by grant from cities and coun-
ties of the right to use streets, alleys,
public highways and public grounds, and
to authorize counties to construct said
causeways, viaducts, bridges and ap-
proaches across the lines of railway,
telegraph and telephone corporations,
and the method thereof, and declaring
an emergency."

On motion of Senator Senter, the com-
mittee report, which provided that the
bill be not printed, was adopted.

Bill read second time, and ordered en-
grossed.

On motion of Senator Senter, the con-
stitutional rule requiring bills to be read
on three several days was suspended and
the bill put on its third reading and
final passage by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

Senator Senter offered the following
amendment:

Amend the bill, Section 9a, page 2,
lines 23 and 24, by adding after the
words "and the county commissioners
court of any county" the following
words: "With the consent of any city,
given by its duly authorized municipal
authorities."

The amendment was adopted by the
following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hume.	Mayfield.
Kellie.	Terrell of McLennan.

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.	Terrell of McLennan.
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Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE CONCURRENT RESOLUTION NO. 3.

The Chair laid before the Senate

House Concurrent Resolution No. 3, Requesting our Representatives in Congress and our United States Senators to use their influence to secure the holding of an exposition in the city of New Orleans to commemorate the completion of the Panama Canal.

On motion of Senator Peeler, the committee report, which provided that the bill be not printed, was adopted.

The resolution was read, and adopted.

SENATE BILL NO. 7—FREE CONFERENCE COMMITTEE ON.

Senator Ward called up

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910, for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency," with the following House amendments:

Amend bill by adding Section 2a, as follows:

"Sec. 2a. There shall be appropriated and set aside in the State Treasury, at each biennial session of the Legislature, an amount equal to 2 per cent per annum of the aforesaid bonds, for the purpose of creating a sinking fund with which said bonds shall be redeemed."

Amend by making interest rate "4½ per cent."

Senator Ward moved that the Senate concur in the House amendments.

Senator Brachfield moved, as a substitute, that the Senate do not concur in the House amendments, and request the appointment of a Free Conference Committee.

The substitute motion was adopted.

FREE CONFERENCE COMMITTEE.

The Chair (Lieutenant Governor Davidson) announced the following as the Free Conference Committee on Senate bill No. 7, in accordance with the above motion:

Senators Ward, Brachfield, Weinert, Murray and Senter.

HOUSE CONCURRENT RESOLUTION NO. 5—PASSAGE OF.

The Chairman of Judiciary Committee No. 2 having reported House Concurrent Resolution No. 5 out of the committee,

Senator Harper moved that Senate rule requiring bills to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion prevailed by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

On motion of Senator Harper, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, House Concurrent Resolution No. 5, a resolution requesting the Governor to return House bill No. 5 to the House for correction.

The resolution was adopted.

Senator Harper moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 19.

The Committee on Judicial Districts having reported Senate bill No. 19 out of the committee today,

Senator Bryan moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion prevailed by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

On motion of Senator Bryan, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 19. A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

Terrell of McLennan.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILL SIGNED BY CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing and did

sign in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 18, "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston bay, to connect as part of the roadways of the county on the island and mainland, and the county to issue bonds for same on taxation; also establishing three-mile limit, and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act."

SENATE BILL NO. 9.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bill of lading and their essential terms; fixing the obliga-

tions and rights of carriers under their bill of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected to the issuance and handling of bills of lading; fixing penalties and punishment for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

(Senator Terrell of Bowie in the chair.)

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 11:50 o'clock a. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Paulus:

To the Hon. D. A. Paulus, Austin, Texas:

We, the undersigned citizens of Shiner, Lavaca county, Texas, being apprised of the fact that our fire insurance rates have been raised from 100 to 400 per cent, as the result of the operation of the Fire Insurance law as passed by the Thirty-first Legislature, and feeling that the rates as they now stand are excessive and unjust, do humbly petition you to use your influence and vote to have the present law repealed, and to enact a law that will operate to produce rates which will not be prohibitive. We further petition you to use your influence and vote to eliminate the co-insurance clause from all risks except cotton, grain, cotton seed products and such other risks to which it applied before the enactment of the present law.

Numerously signed.

By Senator Sturgeon:

Dodd City, Texas, Aug. 9, 1910.

Hon. B. B. Sturgeon, Austin, Texas:

We, the undersigned citizens of your district, are watching with interest the prohibition legislation now pending before the Texas Legislature, and feel especial concern relative to the ten-mile law, prohibiting the sale of liquor where our State schools are located. We commend your attitude, and trust the bill may become a law.

Numerously signed.

By Senator Adams:

Brownwood, Texas, August 8, 1910.

Hon. W. N. Adams, Senator Twenty-sixth District, Austin, Texas.

Dear Senator: At the instance of the signers of the enclosed petitions we hand you the same and urge that you give them due consideration.

It is but fair to say that only a few hours have been given to circulating these petitions, but you can see from the signatures that your constituency is well represented therein.

Other petitions from this county will follow within a short time.

We can conservatively state that two-thirds of the voters of this county favor the passage of the "quart law" bill.

Yours very truly,

J. H. GROVE,

JNO. W. GOODWIN,

TOM LEACH,

Committee.

Brownwood, Texas, August 5, 1910.

To Hon. W. N. Adams, Senator Twenty-sixth Senatorial District of Texas:

We, the undersigned citizens of Brown county, Texas, believing that Brown county and the Twenty-sixth Senatorial District is opposed to the saloon and desire that it be abolished, respectfully request that you vote for and support the bill now pending before the Legislature, known as the "quart law."

Numerously signed.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,
Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred,

Senate bill No. 5, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State, to au-

thorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board, providing any appropriation for the payment of the expenses of such clerical force and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules of rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am directed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

(1)

Amend the bill by inserting the word "ten" between the word "within" and the word "days" in line 7 of Section 2.

(2)

Amend the bill by striking out of Section 14 and renumbering the following section.

(3)

Amend the bill by striking out Section 7 and renumbering the remaining sections accordingly.

(4)

Amend the bill by striking out all of Section 15, after the words "so declare" in line 9 of the section.

(5)

Amend the bill by striking out all of Section 13 and inserting in lieu thereof the following:

"That this act shall not apply to mutual fire insurance companies incorporated under the laws of this State nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

"Provided, that no person, persons,

firm or association of persons representing any mutual fire insurance company doing business on a joint liability plan shall be permitted to solicit, write or transact a fire insurance business in any city, town or county, except those places that are situated in the county in which it maintains its home office, and in which the said company is organized, except where the home office of said company has filed with the department of insurance a bond with two or more good and sufficient sureties in the sum of \$10,000 payable to the Governor and his successors in office and approved by the Commissioner of Insurance, conditioned that they will pay back to the holders of their policy the unearned premiums and hold such holders or owners of said policy free from further liability on said policy."

(6)

Amend the caption by adding thereto the following:

"And to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor and providing a penalty."

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of four Committee on Insurance, Statistics and History, to whom was referred,

Senate bill No. 5, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State, to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board, providing an appropriation for the payment of

the expenses of such clerical force and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules of rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violations of said act, or the orders of said board; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass.

TERRELL of McLennan.

(Floor Report.)

Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred,

Senate bill No. 19, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time for holding court in each of the counties of the said Seventieth Judicial District, and to declare an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Kauffman, Terrell of Bowie, Peeler, Ward, Paulus, Harper, Sturgeon, Perkins, Willacy, Veale.

(Floor Report.)

Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred House Concurrent Resolution No. 5, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Harper, Chairman; Greer, Sturgeon, Murray, Watson, Alexander, Hudspeth, Senter.

In Memory of Master Walter F. Colquitt.

Whereas, Walter F. Colquitt, son of Hon. O. B. Colquitt, who was formerly a distinguished member of this Senate and now the Democratic nominee for Governor of Texas, departed this life in the city of Austin last Sunday evening, 7th inst.; therefore, be it

Resolved by the Senate, That the death of this bright young boy is deeply regretted; that his father, mother, brothers and sister have been deprived of one of the sweetest characters we ever knew, and we hereby tender to them our profound sympathy and condolence in their sad bereavement.

That a page of the Senate Journal be set apart for this resolution and an engrossed copy thereof be conveyed by the Secretary of the Senate to the Hon. O. B. Colquitt and family.

A. B. DAVIDSON,
Lieutenant Governor.
Q. U. WATSON,
P. B. WARD,
C. B. HUDSPETH,
T. W. PERKINS,
D. M. ALEXANDER,
J. G. WILLACY,
J. M. TERRELL,
J. REAL,
W. N. ADAMS,
W. J. BRYAN,
R. E. COFER,
W. J. GREER,
W. R. HOLSEY,
F. C. HUME, JR.,
J. E. KAUFFMAN,

J. L. PEELER,
E. I. KELLIE,
E. B. MAYFIELD,
M. MEACHUM,
W. O. MURRAY,
C. C. STOKES,
B. B. STURGEON,
H. B. TERRELL,
C. L. BRACHFIELD,
C. V. TERRELL,
J. L. RATLIFF,
A. J. HARPER,
E. G. SENTER,
D. A. PAULUS,
J. W. VEALE,
F. C. WEINERT.

The resolution was read and unanimously adopted by a rising vote.